

04-278 CASTLE ROCK, CO V. GONZALES, ET AL.

Decision Below: 366 F.3d 1093 (10th Cir. 2004)

QUESTIONS PRESENTED

1. Whether, in conflict with decisions of the Sixth, Seventh, Eighth, and D.C. Circuits, the Tenth Circuit's decision permitting a *procedural* due process claim against a local government for its failure to protect the holder of a partial restraining order from private violence, when the State itself provides no such remedy, so circumvents as to effectively repudiate this Court's holding in *DeShaney* rejecting a similar *substantive* due process claim?
2. If the Fourteenth Amendment's Due Process Clause is read to permit, via its procedural aspects, the same substantive claims already rejected by this Court in *DeShaney*, what kind of process is required for police inaction with respect to a partial restraining order *not* to violate the constitution?

Cert. Granted 11/1/04